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United States Department of Agriculture
FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE CAUSTIC POISON ACT

[Given pursuant to section 9 of the Caustic Poison Act]

90-92

[Approved by the Acting Secretary of Agriculture, Washington, D. C., October 3 and November 3, 1939]

90. Misbranding of packages of Red Cross Toothache Outfits. U. S. v. 55 Dozen and 59 Dozen Red Cross Toothache Outfits. Default decrees of condemnation and destruction. (C. P. A. Nos. 100, 101. Sample Nos. 25298-D, 44318-D.)

This product contained carbolic acid, a dangerous caustic or corrosive substance, in a concentration of 5 percent or more; and its label failed to bear the word "poison" and directions for treatment in case of accidental personal injury.

On March 27, 1939, the United States attorneys for the Southern District and the Eastern District of New York, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 55 dozen Red Cross Toothache Outfits at New York, N. Y., and 59 dozen Red Cross Toothache Outfits at Brooklyn, N. Y.; alleging that the article had been shipped in interstate commerce on or about February 20 and March 4, 1939, by the Red Cross Chemical Works from Chicago, Ill.; and charging misbranding in violation of the Federal Caustic Poison Act.

The libels alleged that the article contained carbolic acid in a concentration of 5 percent or more and was a dangerous caustic or corrosive substance in retail packages suitable for household use, and its packages were misbranded in that the label did not bear or have printed thereon the word "poison" nor directions for treatment in case of accidental personal injury, both of which statements are required by law.

On May 18 and June 29, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

F. W. REICHELDERFER, *Acting Secretary of Agriculture.*

91. Misbranding of packages of Ung Nigrum. U. S. v. 21 Jars of Ung Nigrum. Default decree of condemnation and destruction. (C. P. A. No. 104. Sample No. 39442-D.)

This product contained silver nitrate in a concentration of 5 percent or more, and was a dangerous caustic or corrosive substance in packages suitable for household use, but was not labeled in compliance with the requirements of the law prescribing the labeling of such substances.

On May 12, 1939, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 21 jars of Ung Nigrum at Portland, Ore.; alleging that the article had been shipped in interstate commerce on or about October 4, 1938, by U. N. Laboratories from Seattle, Wash.; and charging misbranding in violation of the Federal Caustic Poison Act.

The article was alleged to be misbranded in that the package did not bear conspicuous and easily legible labels or stickers containing the common name of the caustic or corrosive substance, namely, silver nitrate, contained in the article; the label did not bear the word "poison," nor did it bear directions for treatment in case of accidental personal injury. The libel also charged that the product was misbranded in violation of the Food and Drugs Act, reported in notice of judgment No. 30790 published under that act.

On August 17, 1939, no claimant having appeared, judgment was entered as of June 29, 1939, condemning the product and ordering that it be destroyed.

F. W. REICHELDERFER, *Acting Secretary of Agriculture.*

92. Misbranding of packages of lye. U. S. v. 396 Cans of Lye. Default decree of condemnation. Product ordered relabeled and sold or destroyed. (C. P. A. No. 105. Sample No. 66446-D.)

This product, a dangerous caustic or corrosive substance in packages suitable for household use, had been damaged by fire. At the time of examination some of the cans were found to have no labels and others were so charred by fire, that the labeling required by law was rendered illegible and inconspicuous.

On June 12, 1939, the United States attorney for the Eastern District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 396 cans of lye at Poteau, Okla.; alleging that the article had been shipped in interstate commerce on or about February 1, 1939, by Dobson & Co. from Bastrop, La.; and charging misbranding in violation of the Federal Caustic Poison Act.

It was alleged in the libel that the article contained sodium hydroxide in a concentration of 10 percent or more, that it was a dangerous caustic or corrosive substance in retail packages suitable for household use, and that it was misbranded in that the packages did not bear conspicuous, easily legible labels or stickers containing the common name of the caustic or corrosive substance, namely, sodium hydroxide; the name and place of business of the manufacturer, packer, seller, or distributor; the word "poison;" nor adequate directions for treatment in case of accidental injury, all of which statements are required by law.

On September 12, 1939, no claimant having appeared, judgment of condemnation was entered, and the product was ordered sold by the United States marshal on condition that it be properly labeled by the purchaser, otherwise that it be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*